

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE UBALDO ROMAN MARIA, et al.,

Plaintiff,

-against-

ROGUE TOMATE CHELSEA LLC, et al.

Defendants.
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18-cv-9826 (VSB) (GWG)

ORDER

VERNON S. BRODERICK, United States District Judge:

On May 20, 2020, I awarded Plaintiffs' motion for a default judgment as to Defendants and referred this case to Gabriel W. Gorenstein for an inquest on damages. (Docs. 74–75.) On October 14, 2020, Judge Gorenstein issued his Report and Recommendation, in which he determined that Plaintiffs were not entitled to attorneys' fees because "there is no competent evidence submitted by plaintiffs to support the assertion that the invoice is based on contemporaneously-made time records." (Doc. 81.) On October 29, 2020, Plaintiffs submitted an objection to the Report and Recommendation, claiming that Plaintiffs were entitled to attorneys' fees and that the Court should "either (a) award counsel fees in the amount of one-third of the total recovery or (b) apply a multiplier of 2 or 3 to the lodestar amount reflected on the submitted billing records." (Doc. 82.)

On February 25, 2021, I overruled Plaintiffs' objection, but stated that I would review any evidence that Plaintiffs submitted on or before March 19, 2021 showing that the submitted invoice was based on contemporaneous time records. *Maria v. Rogue Tomate Chelsea LLC*, No. 18-cv-9826 (VSB) (GWG), 2021 WL 734958 (S.D.N.Y. Feb. 25, 2021); (Doc. 85). On March

19, 2021, Plaintiffs submitted a declaration and two exhibits from their counsel, Michael Faillace, who stated in his affidavit that the invoice “reflects contemporaneous time records for work performed in prosecuting this action.” (Doc. 86 ¶ 2.)


As I suggested in my February 25, 2021 order, *Maria*, 2021 WL 734958, at *2, I find that this sworn declaration is sufficient to establish that the invoice was based on contemporaneous time records. Accordingly, it is hereby:

ORDERED that Plaintiffs are awarded \$8,195 in attorneys’ fees and \$869.72 in costs. *See* (Doc. 81, at 16); (Doc. 86, Ex. A.)

The Clerk’s office is directed to terminate any open motions and close this case.

SO ORDERED.

Dated: March 22, 2021
New York, New York


Vernon S. Broderick
United States District Judge